

REMARKS

Reconsideration and further examination of the above-identified application are respectfully requested in view of the amendments and the discussion that follows.

Claim 1-41 are pending in this application. Claims 1-3, 7-10 14-16, 20-23, 28-30 and 34-37 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pub. No. 2001/0032120 to Stuart et al. ("Stuart"). Claim 27 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Stuart in view of Official Notice. Claims 4-6, 11-13, 17-19, 24-26, 31-33, and 38-41 have been rejected under 35 U.S.C. §103(a) as unpatentable over Stuart in view of Applicant's prior art and Official Notice. Claims 7,8 and 9 have been amended. Claim 42 was previously canceled. After a careful review of the claims and references, it is believed that the claims are in allowable form and a Notice of Allowance is respectfully requested.

Claims 1-3, 7-10, 14-16, 20-23, 28-30 and 34-37 have been rejected as being anticipated by Stuart. Independent claims 1, 14, 27, 28 and 41 call for automatically adjusting the performance threshold in response to a change in a parameter related to the task. Thus, the threshold is adjusted, for example, for such factors as, or complexity of the bill. This feature is not disclosed or suggested by Stuart or any of the other cited references.

Stuart describes a system to evaluate performance of one or more call agents by collecting call agent handling data and cost data, to determine one or more cost based performance indicators, and then to report the results. This is accomplished by using a collection module 20, an analysis module 25 and reporting module 30 (see paragraph 21). The agent call data collected by module 20 is analyzed by analysis module 25 which analyzes the collected data in a two step process. A first function 23 retrieves the data from module 20 and performs calculations to convert the raw data into useful data sets, and the second function analyzes the data sets as a function of requests from the reporting module 30 so as to arrange the data to be distributed by reporting module 30. (see paragraph 26).

As described in paragraph 27, flexible standards can be input by management to be applied to agent data during the first function (conversion to useful data sets). As stated "these standards are flexible because management can decide what criteria are

important for evaluation and then input only these criteria as standards. Thus, “flexible” standards merely means that management has flexibility to decide among many but they are still fixed predetermined criteria pre-set by management. They are not automatically determined by the system but instead are manually input by management.

Paragraph 27 goes on to describe that “flexible thresholds, can be input by management and applied to agent call handling data during the second function of the analysis module to generate subsets of data for the reporting module. The flexible threshold are preferably the parameters set by management to trigger generation of real-time exception reports.” Again, there is no description of automatically adjusting; these thresholds are manually pre-set by management. The term “flexible” in Stuart does not refer to automatically adjusting but rather means that management has flexibility in choosing where to set the value (“the threshold are indeed flexible because they differ at all levels of reporting detail”. This does not say they are automatically adjusted, it merely says management can set different thresholds at different levels of reporting detail).

In paragraph 48, Stuart describes the exception reports generated, for example, “when multiple searches by call agent 13 exceeds a predetermined number.” This paragraph also describes a predetermined threshold, and fails to describe any automatic adjustment of the threshold.

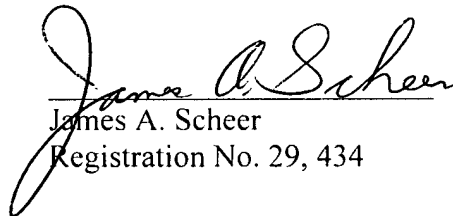
As a result, neither Stuart nor the other cited references disclose this automatic adjustment feature which is claimed in all the independent claims. Thus, the independent claims 1, 14, 27, 28, and 41 are neither anticipated nor rendered obvious by any combination of the cited references and are therefore believed to be allowable. In addition, dependent claims 2-13, 15-26, and 29-40 are dependent upon now allowable claims 1, 14, 27, 28 and 41 and are therefore also believed to be allowable.

Claim 7, 8, and 9 have been amended wherein claim 7 now is directed to successive tasks (see para. 17), and claim 9 is directed to multiple coupled tasks (see paragraph 24). These features are also not disclosed by Stuart and therefore claims 7 and 9 are believed to be further distinguishable over Stuart.

While applicants disagree with the Examiner’s Official Notice position, they are moot in view of the arguments above.

As discussed above, claim 1-41 are not anticipated or rendered obvious by any combination of the cited references. Therefore, allowance of claims 1-41 is believed to be in order and such action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,


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